

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ROBERT BURNS, on his own behalf and on behalf
others similarly situated,

Plaintiff,

-v-

GABRIEL SCOTT and SHIFT HOSPITAL, LLC,

Defendants.

CIVIL ACTION NO.: 20 Civ. 10518 (JGK) (SLC)

ORDER

SARAH L. CAVE, United States Magistrate Judge.

On November 24, 2021, Plaintiff Robert Burns (“Burns”) submitted proposed findings of fact and conclusions of law and other documentation, including an affidavit (the “Affidavit”), in support of his request for entry of default judgment against Defendant Shift Hospitality LLC (“Shift”), which has failed to appear in this action. (ECF Nos. 30; 30-1 – 30-3 (the “Damages Submission”). Among the damages Burns seeks are for breach of contract in the amount of \$22,500, representing a “placement fee” he alleges Shift “promised to pay him” (ECF No. 30-1 ¶ 15) pursuant to a “contract.” (ECF No. 6 ¶ 73). The “contract” is not attached as an exhibit to the Amended Complaint (ECF No. 6) or the Damages Submission, nor does Burns provide any detail about the date on which the contract was entered, whether it was in writing, or any other terms. In addition, Burns seeks spread-of-hours damages pursuant to 12 N.Y.C.R.R. 142-2.4(a) for 17 days in 2018 and 113 days in 2019. (ECF No. 30-2 at 2). Burns does not list in his Affidavit, however, the dates on which he worked more than ten (10) hours.

Accordingly, by **July 15, 2022**, Burns shall supplement his Damages Submission with (i) a copy of the “contract” and any other supporting documentation that he claims entitles him to the “placement fee” and (ii) a supplemental affidavit or other proof evidencing the dates on

which he worked more than ten (10) hours, (the “Supplemental Submission”), along with proof of service on Shift of this Order and the Supplemental Submission. By **July 22, 2022**, Shift shall file any response to the Supplemental Submission. (See ECF Nos. 27; 28).

Dated: New York, New York
July 7, 2022

SO ORDERED.



SARAH L. CAVE
United States Magistrate Judge